

Minutes

A meeting of the Board of Commissioners of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 25th day of August, 2009. The County Board of Commissioners met at 8:30 a.m. Present were: Jerry L. Heard, Jerold Kracl and Skip Oehlrich, County Commissioners, Rita M. Mundil, County Clerk, and Bo Botelho, County Attorney. Notice of this meeting was given in advance thereof by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. Copies of the Open Meetings Act were posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

The chairman stated a copy of the Open Meeting Act statute is posted and available to the public.

Motion Heard; second Kracl to approve the amended agenda. Voting YES: Heard, Kracl and Oehlrich. Voting NO: None. Motion carried.

Motion Kracl; second Oehlrich to approve the minutes of August 10, 2009. Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

The general assistance clerk gave a report of the activities of her department, no need to enter into executive session.

The county attorney gave a report of his office; a sample resolution was reviewed to make the county attorney a full time position. He also provided the Grant Award application to be signed by the chairman. Motion Kracl; second Oehlrich to authorize the chairman to sign the grant award from Nebraska Commission on Law Enforcement and Criminal Justice for the Juvenile Services Program. Voting YES: Oehlrich, Heard and Kracl. Voting NO: None. Motion carried.

The clerk provided the fund balance, STOP Revenue and Lodging Tax Revenue received. The June NACo Prescription Drug Card report was not available. NACO sent correspondence that the offices of Secretary/Treasurer from the Northeast District will be an elected position for the upcoming year. Correspondence from Governor Heineman concerning Schuyler's roundabouts was also reviewed.

The board received a copy of the July public defender report and it will be placed on file.

Lance Napier of Superior Glass provided the board with an estimate to replace the windows in the courthouse; more discussion will be at the next meeting.

Motion Kracl second Oehlrich to approve the following claims and issue checks for them. Voting YES: Kracl, Oehlrich and Heard. Voting NO: None. Motion carried.

<u>All Funds</u>		
Blue Cross-Blue Shield	Health Premiums	26,166.18
Ameritas Life Ins. Co.	Retirement Premiums	9,513.52
EFTPS	FICA/Medicare	10,306.08
<u>Juv. Div. Program</u>		
Salaries		1,300.00
<u>911 Fund</u>		
Qwest	Service	812.21
<u>Road Bridge Fund</u>		
Salaries		37,092.11
Alltel	Services	137.41
Mark L. Arps	Meals	30.78
Bomgaars Supply	Chains/shop/tool supplies	786.56
Columbus Steel Supply Inc.	Pipe	145.34
Cooperative Supply Inc.	Fuel	1,415.92
Dept. of Utilities	Services	25.15
Doernemann Farm Service Inc	Equipment/labor/shop supplies	240.36
Eakes	Office supplies	20.78
Farmers union Coop Gas	Fuel/hauling/chemical	3,411.98
Frontier	Phone	49.37
Grovijohn Feeds	Landscaping	252.23
Hanel Oil, Inc	Fuel	2,263.79
Hi-Lo Equipment Inc.	Equipment parts/labor	155.00
J & B Auto Parts	Equipment parts	5.54
J & L Automotive	Equipment parts	6.50
Johns Tire Sales	Oil change/tire repair	221.95
Kroeger Sand & Gravel Co.	Gravel/hauling	20,043.18
Loup Public Power-Columbus	Services	96.14
M. E. Collins Contracting	Schuyler Northwest	116,904.73
Mainelli-Wagner & Associates Inc	Contract/bridges	25,791.61

Martin Marietta Materials	Rock	777.49
William Craig Marxsen	Gravel/hauling	13,544.38
Midwest Service & Sales	Landscaping/culverts/signs/barricades	2,463.88
NE-Nebr. Co. Officials Assn.	Fall workshop	15.00
Nebraska Machinery Co.	Equipment parts/labor/supplies	3,496.36
Oakview One Stop	Fuel	757.59
OPPD	Services	28.30
Overhead Door Co. of Columbus	Building repair	392.35
Power Plan	Equipment parts/labor	335.15
Prusa Welding	Equipment parts	219.60
Qwest	Services	140.88
Sahling Kenworth Inc.	Equipment parts	1,031.13
Sapp Bros. Petroleum, Inc	Fuel	1,772.25
Schaben Industries Inc.	Water/pump/hose	814.88
Schneider Oil	Fuel/tire repair	2,167.70
Schuyler Cooperative Assn	Fuel	1,737.15
Schuyler Lumber	Barricading	154.31
Stern Oil Co. Inc.	Diesel Oil	1,379.11
Tom's Auto Service	Equipment parts/labor	150.10
Tractor Supply Company	Shop tools	229.99
U & I Sanitation	Service	22.00
Vacin, Inc.	Shop supplies/equipment parts	63.04
Village of Howells	Service	30.85
Village of Leigh	Service	40.64
Adolph Vitek	Oil recovery	70.00

General Fund

Salaries		101,508.54
Advanced Correctional Healthcare	Pharmacy services	426.31
Alegent Health Memorial Hospital	Service	95.40
Alltel	Service	145.30
Irvin Steven Alvarez	Witness fees	35.52
AS Central Finance	Network serv #6506	448.00
AS Central Finance	Network serv #6507	255.75
Rachelle Benson	Dispatch	413.25
Black Hills Energy	Utilities	76.68
Bomgaars Supply	Janitorial supplies	65.06
Michael B. Burwell	Service	487.00
Robert Cerny	Postage	7.37
City of Schuyler	Landfill key	100.00
Clarkson Public Schools	School Art Exhibits	80.36
Clerk of the District Court	Court Costs	250.00
CMRS-FP	Postage	500.00
Coca-Cola	Vending	99.50
Colfax County Court	Court Costs	658.64
Colfax County Press	6 month report	67.11
Colfax County Sheriff	court costs	559.86
Columbus Telegram	Supplies/minutes/6 month report	1,008.11
Community Internet Services	Internet	350.00
Constellation Energy	Utilities	202.94
Cooperative Supply Inc	Fuel	68.36
Corral Repair	Oil changes/tow	133.14
Cummins Central Power LLC	Preventive Maintenance	654.04
Dept. of Utilities	Utilities	3,314.51
Dept. of Motor Vehicles	Driving Record	3.00
Dodge County Sheriff	Paper service	23.98
Brenda Dolezal	Travel Expense	180.93
Douglas County Court	Cert copy	3.25
Eakes Office Prod. Center	Office supplies	366.50
Eaton Corp.	Batteries	1,202.63
Egan Supply Company	Janitorial supplies	229.66
Egr & Birkel	Atty's fees	2,160.00
Mary Ellen Faltys	Microsoft/postage	287.81
Carlos Fiallos	Witness fees	20.00
Francotype-Postalia Inc.	Postage Meter	60.00
Frye, Frazey & Assoc.	Court Security	951.50
GE Capital	Copier	139.80
Graham Tire	Tires	571.00
Grant & Grant	Atty's fees	150.00
Gross & Welch	Public defender contract/atty fees	5,474.72
Hanel Oil, Inc.	Fuel	116.72
Susan Hansen	Travel expense/supplies	374.29
Hayes & Assoc LLC	Audit	600.00

HHS Institution Payments	Lincoln	186.00
	Beatrice	93.00
Tony W. Hemmer	Uniforms/supplies/fuel	85.43
Hometown Leasing	Copiers	766.69
Howells Community Catholic School	School Art Exhibits	37.50
Howells Journal	6 month report	82.88
Howells Public Schools	School Art Exhibits	80.36
Indoff	Office supplies	1,706.77
Jack's Uniforms & Equipment	Uniforms	448.23
Jackson Services	Service	61.00
David J. Jaskierny Jr. MD	Autopsy	900.00
JEO Consulting Group	Survey	1,928.00
John's Tire Sales	Repairs	50.95
J W Jones MD	Autopsy	920.00
Just Another Mini Mart	Fuel	582.40
Kaiser Appraisal	Contract	1,930.00
Karel/Seckman	Atty's fees	754.36
Janis Kasik	Notebooks	12.21
Paul Kruse	Prisoners meals	101.52
Law Enforcement Targets Inc.	Stand	231.99
Leigh Community Schools	School Art Exhibits	80.35
Leigh World	6 month report	67.11
Marshall & Swift	Service Book	560.20
Maximus Inc.	Cost Allocation Plan	316.67
Monty McCord	Patches	665.50
Menards	Supplies/cork board	30.09
Shawn Messerlie	Uniforms	35.00
Charles Meyer	Contract zoning	2,747.25
Microfilm Imaging Service	Service	240.00
Mid-American Benefits Inc.	Deductible reimbursement	1,571.82
Mid-Nebr. Comm. of Columbus Inc.	Radios	4,409.00
Midwest Service & Sales	Signs	92.65
MIPS	Network Support	1,500.89
Rita Mundil	Mileage	171.60
NE Nebr. Assoc. of County Officials	Fall workshop	135.00
Nebraska County Assessors Assoc.	Dues	100.00
Nebraska Public Health Serv System	Service	1,008.00
Nebraska Sheriff's Association	Reg	90.00
Aaron Nygren	Travel exp/supplies	536.68
Oakview One Stop	Fuel	978.66
Officenet	Office supplies	82.26
Officenet Inc	Office supplies	126.14
Celeste Palensky	Janitor	155.75
Pentico Trade Service & Crematory	Service	205.95
Pinnacle Bank	Safe Deposit Box	25.00
Pioneer Telephone	Phone service	338.21
Platte County Detention Facility	BOP	25,290.00
Platte County Sheriff	Service	101.40
Prairieland RC&D	Dues	25.00
Qwest Communications	Services (CH)	994.24
	Ext/Weed	167.09
Reinecke Motor Co.	Vehicle repair	280.38
Brenda Rist	Mileage	28.32
Schneider Oil Co	Fuel/oil changes/tire repair	582.15
School District #1	School Art Exhibits	80.36
School District #24	School Art Exhibits	80.36
School District #4R	School Art Exhibits	80.36
Schuyler Coop Assn.	Fuel	177.19
Schuyler Electric Inc.	Building repair	1,765.25
Schuyler Lumber	Building repair/supplies	25.24
Sipple/Hansen/Emerson/Schumacher	Atty's fees	312.00
Joe Smaus	Uniforms	35.00
Brad Sock	Deputy director/storm watcher	125.00
Spencer Fane Britt & Browne LLP	E-Verify Webinar	36.00
St. John Neumann	School Art Exhibits	80.35
James C. Stecker	Atty's fees	1,117.50
Brett Struebing	Uniforms	35.00
Hasler Inc.	Postage Machine Rental	996.00
Trane	Building repair	1,008.77
U & I Sanitation Service	Service	22.00
Univ. of Calif.-Berkeley	Subscription	28.00
Unv. Of Nebr-Lincoln	Diag Sample	10.00
University of Nebraska	Letterhead	171.23
US Cellular	Service	115.38

Vacin Inc.	Vehicle repair	63.26
Wayne's Repair Service	Vehicle repair	96.79
Tracy Wegner	Office supplies	14.44
West Publishing Payment Ctr	Westlaw	423.00
Weyant Reporting Assoc.	Deposition	100.40
Scott Wimer	Court Security	90.00
Wire-Free Nebraska	Internet service	79.95
Xerox Corporation	Copier	445.18
Andrew Yost	Uniform	35.00

The board reviewed the proposed FY09-10 county budget with the county clerk and received the certified valuation of the county from the assessor. Motion Kracl; second Oehlich to approve the Resolution 8/25/09(1) that sets the final levy authority for those political subdivisions under the authority of the county board as follows:

Colfax County Agricultural Society	.020000
Rural Fire District-Clarkson	.050000
Fire Protection District-Howells	.050000
Fire Protection District-Leigh	.050000
Fire Protection District-Schuyler	.050000
Platte Valley Drainage District	.010000

Voting YES: Oehlich, Heard, and Kracl. Voting NO: None. Motion carried.

Motion Heard; second Kracl to set Monday, September 14, 2009 at 9:30 a.m. as the date and time for the FY09-10 county budget hearing and 9:45 a.m. as the hearing for approval of the county's tax request. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Senator Stuthman addressed the board on a proposed regional traffic study (main issue truck traffic) for a bridge across the Platte River between Schuyler and Columbus; he submitted a draft of an interlocal agreement between the State of NDOR and surrounding counties and cities. The board will discuss this more at the next meeting.

The sheriff addressed the board on creating an investigation position for his department; the board will discuss this more at the next meeting. Motion Heard; second Oehlich to approve the appointments made by the sheriff of Dominic Torres and Shawn Messerlie as deputy sheriffs. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The zoning administrator gave a report of the activities of his department. The board received a receipt of a DEQ notice of NPDES General Permit for Cattle in Open Lots and an Approval to Operate LWCF on McAfee Farms Inc. Correspondence from JEO on Leigh, NE 2007 Lagoon Expansion Project was reviewed; he also updated the board on a grant application he is doing to receive funds to fix damage from the flood.

Motion Heard; second Oehlich to open a public hearing at 10:00 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a lot split application by Frank R. Jedlicka to create a lot of less than 20 acres in the A-1 zoning district northwest of Schuyler in part of the NW 1/4 of Section 12, T18N, R2E of the 6th P.M. in Colfax County, Nebraska. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant wants to split off an existing residence and building from an adjacent farm ground. The seven acre lot will be surveyed and a copy furnished to the zoning office. There is legal access to a public road and the lot has not been previously split; notice has been posted and published and all fees have been paid. It is the recommendation of the planning commission to approve the lot split application.

The applicant was present and made no additional comments.

Motion Heard; second Kracl to close the public hearing at 10:03 a.m. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Oehlich to accept the recommendation of the planning commission and grant approval of the lot split application by Frank R. Jedlicka. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Oehlich to open a public hearing at 10:05 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a conditional use application by Frank R. Jedlicka to locate an existing residence on a lot of less than 20 acres in an A-1 zoning district northwest of Schuyler in part of NW 1/4 S 12, T18N, R2E of the 6th P.M. in Colfax County, Nebraska. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant wants to separate an existing residence from the adjacent farm ground. The seven acre lot will be surveyed and a copy furnished to the zoning office. The existing septic system and well are adequate under state law. There is a legal access to an improved public road and setbacks comply with county zoning regulations; notice has been posted and published and all fees have been paid. It is the recommendation of the planning commission to approve the conditional use application.

The applicant was present and made no additional comments.

Motion Heard; second Kracl to close the public hearing at 10:07a.m. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Kracl to accept the recommendation of the planning commission and grant approval of the conditional use application by Frank R. Jedlicka. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Kracl to open a public hearing at 10:07 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a lot split application by Lloyd L. Brichacek to create a lot of approximately 15.51 acres in an A-1 zoning district in the SE ¼ of Section 3, Township 18 North, Range 3 East of the 6th P.M., in Colfax County, Nebraska. Voting Yes: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant wants to separate a residence and farm buildings from the adjacent farm ground. The 15.51 acre lot will be surveyed and a copy furnished to the zoning office. An easement issue with the State of Nebraska has been settled. There is legal access to a public road and the lot has not been previously split; notice has been posted and published and all fees have been paid. It is the recommendation of the planning commission to approve the lot split application.

The applicant was present and made no additional comments.

Motion Heard; second Oehlich to close the public hearing at 10:09 a.m. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Kracl second Oehlich to accept the recommendation of the planning commission and grant approval of the lot split application by Lloyd L Brichacek. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

Motion Heard; second Kracl to open a public hearing at 10:09 a.m. for the purpose of hearing testimony of support, opposition, criticism, suggestions or observation for a conditional use application by Lloyd L. Brichacek to locate a residence on approximate 15.51 acres in the A-1 zoning district north of Schuyler in the SE ¼ of Section 3, Township 18 N, Range 3 East of the 6th P.M. in Colfax County, Nebraska. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

The zoning administrator included in his report that the applicant wants to separate a residence and buildings from the adjacent farm ground. The 15.51 acre lot has been surveyed and a copy furnished to the zoning office. There is an adequate septic tank and drain field and legal access to an improved road; notice has been posted and published and all fees have been paid. It is the recommendation of the planning commission to approve the conditional use application.

The applicant was present and made no additional comments.

Motion Heard; second Oehlich to close the public hearing at 10:10 a.m. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Motion Heard; second Kracl to accept the recommendation of the planning commission and grant approval of the conditional use application by Lloyd L. Brichacek. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The board reviewed the vacation policy with officials and department heads; discuss, consider or action taken will be at the next meeting.

The emergency manager gave a report of the activities of his office.

The highway consultant and road manager reviewed the estimates by Baders Highway & Street Maintenance to router and crack sealing on several locations in the county; they informed the board that informal bids are required for this project and will be provided at the next meeting.

The highway department gave a report of the activities of the road department. The culvert sizing for Road 9 between D & E and Road 9 and Road G were discussed; along with designating the road manager as a contact person for questions regarding to the Hughes Payzant Drainage Ditch. The board was updated on price quotes on bridge repair for bridge #10840.

The board provided an opportunity for public comment; several citizens discussed the Hughes Payzant Drainage Ditch.

Motion Heard; second Oehlich to approve Resolution 8-25-09 (2) to authorize signatures for Certificate of Compliance for Structure No. C001901940 as required to receive soft match credit. Voting YES: Oehlich, Heard and Kracl. Voting NO: None. Motion carried.

Motion Kracl; second Oehlich to approve Resolution 8-25-09 (3) to authorize signatures for Certificate of Compliance for Structure No. C001901645 as required to receive soft match credit. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

The clerk summarized the day's agenda and action taken.

Motion Heard; second Oehlich to adjourn BOC at 12:20 p.m. to meet again September 14, 2009. Voting YES: Heard, Kracl and Oehlich. Voting NO: None. Motion carried.

Recessed at 12:20 p.m. to reconvene at 1:15 p.m. as Board of Equalization.

A meeting of the Board of Equalization of Colfax County, Nebraska was held in the Commissioners Room of the County Courthouse, Schuyler, Nebraska on the 25th day of August, 2009. The County Board of Equalization met at 1:15 pm. Present were: Jerold Kracl, Jerry Heard and Skip Oehlich, County Commissioners, Rita M. Mundil, County Clerk, Viola Bender, County Assessor, and Bo Botelho, County Attorney. Notice of this meeting was given in advance by posting written notice in at least three different public places as shown by the Certificate of Posting Notice. Availability of the proposed agenda was communicated in the advance notice and in the notice to the board. A copy of the Open Meetings Act was posted and available to the public. All proceedings shown were taken while the meeting was officially convened and open to the public.

Three tax list corrections were presented by the assessor for the board to approve; and correspondence from Edmond Talbot was reviewed.

The board acknowledges three Notice of Appeal's by Excel Corporation that have been filed with the Nebraska TERC.

Motion Heard; second Oehlich to adjourn BOE at 1:25 p.m. Voting YES: Kracl, Oehlich and Heard. Voting NO: None. Motion carried.

I, Rita M. Mundil, duly appointed County Clerk of said county, do hereby certify that accurate minutes of this meeting as stated in the agenda were kept while the meeting was in session, were recorded in the Commissioners Records, and were completed for public inspection and publication on the 26th day of August 2009.

Rita M. Mundil, County Clerk
